



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of K.R., New Jersey
State Parole Board

CSC Docket No. 2019-305

Discrimination Appeal

ISSUED: JUNE 17, 2019 (CSM)

K.R., a Senior Parole Officer with the New Jersey State Parole Board (SPB), appeals the determination of the Chairman, SPB, that the appellant did not present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

The appellant, a male, filed a complaint alleging that S.L., a female District Parole Supervisor, discriminated against him on the basis of gender. Specifically, the appellant claimed that S.L. asked him who was covering his Officer of the Day (OD) duty for the time he would be out on family leave; that S.L. practices selective supervision by checking to see if he is in his cubicle; that she checks his “dailies and timesheets” and “if she checked the dailies and timesheets for three female officers” they would not vary greatly from his; that S.L. verbally berated and abused him in the beginning of January 2017 because he called out sick for the day; that S.L. only disciplines male officers; that a male officer received an email and verbal warning from S.L. for parking in the wrong spot, while female officers can park wherever they want with no reprimands; and that S.L. trained less senior female officers on the finger print machine and he was passed over. The appellant also alleged that S.L. denied a male officer’s request for a take home car, but assigned a female officer a car; that S.L. “bullied him” to pull one of his days off to attend the PBA Mini Convention to attend by-yearly firearms instructor training; did not approve his request to go to the Essex County Police Academy to serve as a range instructor during normal work hours and makes him feel uncomfortable; that S.L. selective supervises her officers and verbally abused him for taking a personal call from his

wife; that S.L. wrote him up for being unaccounted for in the field; that S.L. “looks the other way” when dealing with female officers; that a commendation he received was not included in his PAR; that S.L. promotes female officers to positions of power over male officers, and that S.L. gave preferential treatment to a female officer by giving her a preferred parking spot. The SPB’s Equal Employment Opportunity Office (EEO) investigated these allegations, during which witnesses were interviewed, relevant documents were reviewed, and was unable to substantiate any of the appellant’s allegations.

On appeal, the appellant states that the reason he is appealing the EEO’s determination is because “the investigation was jaded and one sided.” The appellant claims that the investigation was “basically supervisory staff investigating another supervisor” and that the investigation was performed by a “politically appointed investigator.” Additionally, the appellant asserts that the investigator only interviewed “either friends of or pro S.L.” and that the determination failed to address “violations of Family Leave.”

In response, the EEO states that numerous witnesses were interviewed, including witnesses specifically recommended by the appellant, but there was no witness corroboration or evidence that any discriminatory actions took place or were instituted by S.L. against the appellant. It also notes that the appellant’s federal Equal Employment Opportunity Commission (EEOC) complaint was dismissed and a notice of rights correspondence was issued to him on August 10, 2018. Further, the EEO presents that the appellant was granted family leave and he did not allege or make any claim that he was denied family medical leave by S.L. Additionally, the EEO states that he reports directly to the Chairman of the SPB and that he has no affiliation with any of the parties involved in the appellant’s discrimination complaint. Regarding the investigation, the EEO states that it conducted a thorough and impartial investigation and its 11-page determination letter detailed the findings of each individual allegation. However, the appellant did not present any information in his appeal that would warrant disturbing the findings as stated in the determination letter.

Although provided the opportunity, the appellant did not provide any additional information or argument for the Civil Service Commission (Commission) to review in this matter.

CONCLUSION

N.J.A.C. 4A:7-3.1(a) provides that under the State Policy, discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation,

gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability. Additionally, the appellant shall have the burden of proof in all discrimination appeals. *See N.J.A.C. 4A:7-3.2(m)(3)*.

The Commission has conducted a review of the record and finds that the appellant has not met his burden of proof. Initially, the appellant's appeal to the Commission does not challenge any specific finding in the EEO's July 5, 2018 determination letter. Rather, he simply argues that the investigation was "basically supervisory staff investigating another supervisor," that the investigation was performed by a "politically appointed investigator," and that the investigator "only interviewed Officers that were either friend of or pro S.L." However, he does not present arguments or the names of any witnesses on appeal who could corroborate his allegations or evidence that the investigation was somehow flawed. Based on this alone, he has not satisfied his burden of proof in this matter. Regardless, the appellant has not rebutted the EEO's assertion in this appeal that numerous witnesses were interviewed, including those specifically recommended by the appellant, as well as its review of relevant documents. However, even those witnesses who were interviewed that were recommended by the appellant could not corroborate that S.L. discriminated against him or any other officers. Therefore, the appellant has not demonstrated that the EEO's investigation on this matter was not thorough and impartial or that S.L. violated the State Policy.

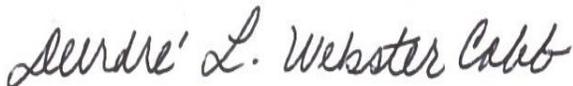
Accordingly, the Commission finds that the EEO investigation was thorough and impartial, and the record supports a finding that there were not violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON THE
12TH DAY OF , 2019



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